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| 09/981,459 | 10/16/2001 | Michael H. D'Amico | 13251US01 | 5919 |

7590 11/13/2007
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| EXAMINER |
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MCCULLOCH JR, WILLIAM H

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| ART UNIT | PAPER NUMBER |
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3714

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11/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/981,459

Applicant(s)

D'AMICO ET AL.

Examiner

William H. McCulloch Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 21-26 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 21-26 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2007 has been entered. Claims 1-10, 21-26, and 34-39 are pending in the application, with claims 1, 21, and 34 currently amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 21, and 34 (and claims depending therefrom) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As amended, the above claims recite removing output data from the second database "in response to" transmission of said output data (see e.g., claim 1, ll. 13-14). On pages 9-10 of the Remarks, applicant points to specification pages 26-27 for

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support. However, there is no indication that data is removed from the second database "in response to" data being transmitted. The above citations of the specification show that data is removed from the second database 'after' data is transmitted, but stops short of describing any further conditions. As such, for the purposes of this action, the claims will be interpreted as removing data from the second database 'after' data has been transmitted. Appropriate correction is required.

Additionally, the amended claims now require that the enumerated steps (e.g., steps 1-6 in claims 1 and 21, or steps 1-13 in claim 34) are performed "without command from the central authority". Again, the cited portions of the specification simply fail to describe that the steps are performed "without a command from the central authority". The cited portions of the specification indicate that the steps are performed, at least in part, under the control of the programmed hardware. The claims will be interpreted as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10, 21-24, 26, and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,766,076 to Pease et al. (hereinafter Pease).

Regarding claims 1 and 21, Pease teaches a progressive gaming system and method comprising a plurality of gaming machines (e.g. gaming devices 108a-108c)

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and a first database located in a central authority (central computer system 106) and arranged to store input data to be sent to one or more of the plurality of gaming machines to keep said gaming machines operational and output data generated by the plurality of gaming machines (see at least 3:10-4:10). Pease further describes an "apparatus" (i.e., a system) for providing data storage and communications between the gaming machines and the first database comprising: a network (e.g. data networks connecting casino system 102 to processor 138 and/or connecting processor 138 to central computer system 106); a data processing unit spaced apart from the first database (processor 138). The data processing unit comprises a second database and a programmed hardware configured to poll the gaming machines to obtain the output data generated by the gaming machines over the network (see at least 5:35-44 and 6:11-23), to store said output data in the second database (see at least 6:11-23), to transmit said output data over the network to the first database from the second database (see at least 6:46-52 and 7:3-13), to periodically obtain the input data from the first database (see at least 6:58-62), to store the periodically obtained input data in the second database (see at least 6:58-62), and to transmit at least a portion of the periodically obtained input data required by one of the gaming machines to keep said one gaming machine operational from the second database to said one gaming machine without accessing the first database (see above cites, 2:12-16, and fig. 1). Note in claim 21, storing data "apart from the first database" is anticipated by Pease in the description of processor 138 above. In claim 34, regarding separate groups of gaming machines and their respective data stored apart from the first database and

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apart from each group's data, Pease anticipates such in the teaching of separate casino systems having respective processors similar to that of processor 138 (see at least 5:67-6:4 and fig. 1).

As described in an Advisory Action mailed 7/19/2007, claims 1, 21, and 34 are directed toward removing output data from a second database after the transmission of the output data, the output data having been transmitted over a network from the second database to the first database. As was also described in the Advisory Action, such feature is an inherent feature in Pease, at least because Pease's equivalent of a second database (e.g. processor 138) is limited by the size of the processor's data storage. The data stored in the second database must therefore be discarded in order to maintain normal operation and prevent overloading the data storage capacity. Since the data originates in gaming machines, gets transmitted to the second database, and further transmitted to the first database, the data must not be removed from the second database until after the data has been transmitted to the first database. Thus, the removal of output data from the second database after transmission of output data is inherent in Pease. Furthermore, Pease teaches that the above steps of claims 1, 21, and 34 are performed, at least in part, by processor 138 (see at least 5:35-44 and 6:11-23). Pease additionally teaches methods other than polling may be alternately be employed, such as interrupt systems (see 7:61-64), which would require data to be transmitted/updated only when a device determines that such operation is appropriate.

Regarding claim 2, Pease teaches a first network between the gaming machines and the second database, and a second network between the second database and the first database (see at least fig. 1).

Regarding claim 3, Pease teaches a first processor arranged to manage the first database and a second processor arranged to manage the second database (see at least 5:40-41 and 5:61-66).

Regarding claims 4-5, 10, 22-23, 26, and 35-37, Pease teaches gaming machines comprising meters arranged to store meter data and wherein the output data comprises the meter data or jackpot data, wherein the data comprises meter data for gaming machines played within a predetermined preceding time period (see at least 5:56-60, 6:24-7:2, 8:13-18).

Regarding claim 6, Pease teaches the gaming machines are responsive to a card bearing an information code and wherein the input data comprises credit balances addressable in response to the identification code (see at least 3:37-4:9, 5:44-60, 6:12-23, and 7:53-8:31).

Regarding claims 7, 24, and 38, Pease teaches the second database storing the credit balances (see at least 3:37-4:9 and 7:53-8:12). Pease further teaches storing credit balances in the first database, which are then accessed via an identification code (player tracking card) sent from the gaming machine, and storing the corresponding credit balance in the second database (processor 138) before sending the data to the respective gaming machine (see *Id.*). Note the above teaching of multiple casino sites

connected to the central computer system with respect to processing data from a first bank and a second bank of gaming machines (see at least 5:67-6:4 and fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 9, 25, and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Pease in view of U.S. 6,682,421 to Rowe et al. (hereinafter Rowe).

Pease teaches the invention substantially as described above. Pease additionally teaches that player tracking systems are known in the art and may include a card bearing encoded information, wherein the card is purchase by a player and may be linked to an existing account (see at least 3:37-4:9). Pease lacks in explicitly teaching that a ticket is generated at a gaming machine. In a related disclosure, Rowe teaches that as technology in the gaming industry progressed, "the traditional method of dispensing coins or tokens as awards for winning game outcomes [became] supplemented by ticket dispensers which print ticket vouchers that may be exchanged for cash or accepted as credit of indicia in other gaming machines for additional game play. An award ticket system, which allows award ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process. An example of an award ticket system is the EZ pay ticket system by International Game Technology of Las

Vegas, Nev.” See col. 1, lines 36-47. Rowe further teaches, “An important component of an award ticket system is the ticket validation process. Typically, a game player's satisfaction with an award ticket system is based upon the ease by which the ticket vouchers may be validated or utilized within the context of game playing. When the ticket validation process is difficult, a game player may become dissatisfied with the game playing area offering the award ticket system and frequent a game playing area without an award ticket system or a game playing area offering a simpler ticket validation process.” See col. 1, lines 56-65. Finally, Rowe teaches that all of the gaming machines print ticket vouchers, which may be exchanged for cash or accepted as credit of indicia in other gaming machines (2:5-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system taught by Pease to generate tickets at the gaming machine as taught by Rowe in order to provide increased operational efficiency of maintaining a gaming machine and simplify the player pay out process, thereby increasing player satisfaction as taught by Rowe.

Response to Arguments

8. Applicant's arguments filed 10/11/2007 have been fully considered but they are not persuasive and are answered in the grounds of rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is 571-272-2818. The examiner can normally be reached on M-F 8:30-4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.
Examiner
Art Unit 3714
11/6/2007

wm


Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714